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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 Brain Life, LLC,

12 Plaintiff,

13 vs.

14 Medtronic, Inc., Varian Medical Systems,
15 Inc., Brainlab, Inc.,

16 Defendants.


CASE NO. 10cv01539-CAB (BGS)

ORDER GRANTING MOTIONS TO
DISMISS THE SECOND AMENDED
COMPLAINT WITHOUT
PREJUDICE
[Doc. Nos. 98, 100]

17 Having considered the papers filed in conjunction with the pending motions to dismiss [Doc.
18 Nos. 98, 100], the Court finds that Plaintiff's allegations of contributory infringement do not meet the
19 pleading requirements imposed by the Supreme Court in *Bell Atl. Corp v. Twombly*, 550 U.S. 544
20 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). Accordingly, the motions to dismiss [Doc. Nos.
21 98, 100] are **granted without prejudice to Plaintiff amending the complaint**. Plaintiff's papers
22 demonstrate its ability to cure the pleading deficiencies at issue. As a result, the Court grants Plaintiff
23 leave to amend its complaint on or before **February 11, 2013** to sufficiently plead contributory
24 infringement and remove allegations against dismissed parties.

25 IT IS SO ORDERED.

26 DATED: January 24, 2013

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28 **CATHY ANN BENCIVENGO**
United States District Judge